

LABOUR DEPARTMENT

The 9th November, 1981

No. 9(1)81-6Lab/12363.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Haryana Packers Industries, Railway Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 242 of 1981

between

SHRI KRISHAN DEV, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
PACKERS INDUSTRIES RAILWAY, ROAD, FARIDABAD

Present.—

None, for the workman.

Shri Ram Saroop, for the management.

AWARD

By order No. ID/FD/97/81/36011, dated 31st July, 1981 the Governor of Haryana referred the following dispute between the management of M/s Haryana Packers Industries, Railway Road, Faridabad and its workman Shri Krishan Dev, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Krishan Dev was justified and in order? If so, what relief is he entitled to?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workman did not appear despite service and the case called twice. Upto 10-30 A.M. neither the workman was present nor his representative and the case was ordered to be dismissed in default. I, therefore, dismiss the case for default of the workman.

M. C. BHARDWAJ,

Dated the 25th September, 1981.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 888, dated 29th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)81-6Lab./12364.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Piyush Printers, Sector 6, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 224 of 1981

between

SHRI SIRI CHAND SAINI, WORKMAN AND THE MANAGEMENT OF M/S PIYUSH
ART PRINTERS, SECTOR 6, FARIDABAD

Present.—

Shri Yoginder Singh, for the workman.

None, for the management.

AWARD

By order No. ID/FD/60/81/31991, dated 3rd July, 1981 the Governor of Haryana referred the following dispute between the management of M/s Piyush Art Printers, Sector 6, Faridabad and its workman Shri Siri Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Siri Chand Saini was justified and in order ? If so, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the workman appeared, but the management did not appear despite service, therefore, the management was proceeded against *ex parte* and the case was fixed for the *ex parte* evidence of the workman. The workman in his *ex parte* evidence stated that he was employed by the management with effect from 28th February, 1980 as a Compositor on wages of Rs 400 p.m. He was stopped at the gate on 16th March, 1981 without telling any reason. He was not paid any notice pay or compensation.

Believing *ex parte* statement, I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. I order accordingly.

M. C. BHARDWAJ,

Dated the 28th September, 1981.

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

Endst. No. 889, dated 29th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 29th December, 1981

No. 9 (1) 81-6Lab. 13943.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad/ in respect of the dispute between the workman and the management of M/S Amarpali House of Fashion Sector 27 C, Plot No. 27, Faridabad;

IN THE HIGH COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 221 of 1981

between

SHRI HARMUN PANDEY, WORKMAN AND THE MANAGEMENT OF M/S AMARPALI HOUSE OF FASHION, SECTOR 27-C, PLOT No. 27, FARIDABAD

Present :—

workman with Shri K. L. Sharma.

None, for the respondent management.

AWARD

This reference No. 221 of 1981 has been referred to this court by the Hon'ble Governor of Haryana, —vide his order No. D/FD/97/81/35877, dated 30th July, 1981 under section 10 (i) (c) of the Industrial Dispute Act, 1947 for adjudication of the dispute existing between Shri Harmun Pandey, workman and the management of M/S. Amar Pali House of Fashion Sector 27 C, Plot No. 27,, Faridabad. The term of the reference was,—

Whether the termination of services of Shri Harmun Pandey was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were issued to the parties for 31st August, 1981. On 31st August, 1981 workman was present in the court, but none was present from the side of the respondent management. Service of notice had been effected on the management. It was 2.30 p. m. The case was called thrice. In these circumstances, I proceeded *ex parte* against the respondent management. The workman stated that his demand notice be treated as claim statement and the case was fixed for recording of *ex parte* statement of the workman for 11th September, 1981.

On 11th September, 1981 *ex parte* evidence of the workman was recorded. The workman examined himself as MW-1, who stated that he was working with the respondent from 9th December, 1980 as helper @ Rs. 225 p. m. The workman further stated that his work and conduct was always satisfactory and was appointed on a permanent job. On 16th April, 1981 the respondent management terminated his services without any notice as he was an active member of the union. He further stated that he was un-employed from the date of his termination, and prayed that he re-instated with continuity of service and full back wages.

In view of the statement made by the workman, on oath, I see no reason, why the un-rebutted statement of the workman should not be believed especially when the management chose not to appear and defend the reference despite service of notice. So on believing the statement of the workman, I hold that the termination of service of Shri Harmun Pandey workman, was not justified and in order and he is entitled for re-instatement with continuity of service and full back wages.

No order as to costs.

This be read an answer to this reference.

Dated the 10th November, 1981.

HARI SINGH KAUSHIK,
Presiding Officer,

Labour Court, Haryana, Faridabad.

Endst. No. 3228, dated the 19th November, 1981.

Forwarded (four copies) to the Commissioner & Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act 1947.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1)81-6Lab./13944.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Amar Pali Structural Private Limited, 14/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 257 of 1981

between

SHRI RAM, CHANDER WORKMAN AND THE MANAGEMENT OF M/S AMAR PALI
STRUCTURAL PRIVATE LIMITED, 14/7, MATHURA ROAD, FARIDABAD

Present.—

Workman with Shri Mohit Kumar Bhandari.
None, for the respondent management.

AWARD

This reference No. 257 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. 1D/FD/4/81/169/48564, dated 25th September, 1981, under section 10 (i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Chander, workman and the management of M/s. Amar Pali Structural Private Limited, 14/7, Mathura Road Faridabad. The terms of the reference was —

Whether the termination of services of Shri Ram Chander was justified and in order ? If so, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties for 30th October, 1981. On 30th October, 1981 Shri Mohit Kumar Bhandari was present on behalf of the workman, but none was present on behalf of the respondent management. Service of notice had been effected on the management. It was already 1.30 p. m. The case called thrice. So I proceeded *ex parte* against the management and fixed the case for recording the *ex parte* evidence of the workman, for 6th November, 1981.

On 6th November, 1981 *ex parte* evidence of the workman was recorded. The workman stated that he was appointed by the respondent management as helper on 1st October, 1979 at a monthly salary of Rs. 300/-. On 2nd June, 1981 the respondent management stopped him at the gate without any reasons. The workman further stated that after that he went to factory many times but the management did not allow him to resume duty. The workman stated that the management terminated his services without any notice nor he was paid any compensation. The workman stated that he was un-employed in those days and prayed that he be reinstated with continuity of service and full back wages.

In view of the statement made by the workman, on oath, I see no reason, why the un rebutted statement of the workman should not be believed especially when the management chose not to appear and defend his reference despite service of summons by this court. So on believing the statement of the workman, I hold that the termination of services of Shri Ram Chander workman was not justified and in order and he is entitled for reinstatement with continuity of service and full back wages. No order as to costs.

This be read in answer to this reference.

Dated the 10th November, 1981

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endst. No. 8229, dated 19th November, 1981.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court Haryana, Faridabad.

No. 9(1)81-6 Lab/13945.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s. Amar pali structural Pvt. Ltd., 14/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT
HARYANA, FARIDABAD

Reference No. 258 of 1981

between

SHRI SURYA KANT, WORKMEN AND THE MANAGEMENT OF M/S. AMAR PALI STRUCTURAL
PVT. LTD., 14/7 MATHURA ROAD, FARIDABAD

Workman with Shri Mohit Kumar Bhandari.

None for the respondent management.

AWARD

This reference No. 258 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/173/81/48540, dated 25th September, 1981 under section 10(1) (c) of the Industrial Dispute Act, 1947 for adjudication of the dispute existing between Shri Surya Kant, workman and management of M/S. Amar pali Structural Private Limited, 14/7, Mathura Road, Faridabad. The terms of this reference was :—

Whether the termination of services of Shri Surya Kant, was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were sent to the parties for 30th October, 1981. On 30th October, 1981 Shri Mohit Kumar Bhandari was present on behalf of the workman, but none was present on behalf of the respondent management. Service of notice had been effected on the management. It was already 1.30 p.m. The case was called thrice. So I proceeded *ex parte* against the management and the case is fixed for recording the *ex parte* evidence of the workman for 6th November, 1981.

On 6th November, 1981 *ex-parte* evidence of the workman was recorded. The workman stated that he was appointed by the respondent management as helper on 1st February, 1980 at a monthly wages of Rs. 300. On 2nd June, 1981 the respondent management stopped him at the gate without any reason. The workman further stated that after that he went to the factory many times but the management did not allow him to resume duty. The workman stated that the management terminated his services without any notice and he was not paid any compensation. The workman stated that he was un-employed since then and prayed that he be reinstated with continuity of service and full back wages.

In view of the statement made by the workman, on oath, I see no reason why the unrebutted statement of the workman should not be believed especially when the management chose not to appear and defend the case despite service of summons sent by this court. So on believing the statement of the workman, I hold that the termination of service of Shri Surya Kant, was not justified and in order and he is entitled for re-instatement with continuity of service and full back wages. No order as to costs.

This be read an answer to this reference,

Dated the 10th November, 1981.

HARI SINGH, KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endstt. No. 3230, dated 19th November, 1981

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1) 81-6 Lab./13948,— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/S The Boripur Cooperative Credit and Service Society Ltd., Boripur (P.O. Valyana, Kurukshetra)

IN THE COURT OF SHRI HARI SINGH, KAUSHIK, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD,

Reference No. 96 of 1981

Between

SHRI BALWANT RAI, WORKMAN AND THE MANAGEMENT OF M/S THE BORIPUR
COOPERATIVE CREDIT AND SERVICE SOCIETY, LTD.,
BORIPUR, P. O. VALYANA (KURUKSHETRA)

Shri Janak Raj for the workman.

None for the respondent management.

AWARD

This reference No. 96 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/Amb/14-80/8695, dated 17th December, 1981, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Balwant Rai, workman and the management of M/s The Boripur Cooperative Credit and Service Society, Ltd., Boripur, P. O. Valyana (Kurukshetra). The terms of the reference was:—

Whether the termination of service of Shri Balwant Rai, was justified and in order ? If not, to what relief is he entitled ?

After receiving the reference, notices were sent to the parties for 21st July, 1981. On 21st July, 1981 the workman was present along with his representative, but none was present from the side

of the respondent management. The service notice had been effected on the respondent management. It was 12.35 p. m. The case was called thrice. In these circumstances, I proceeded *ex parte* against the management and the case is fixed for the *ex parte* evidence of the workman for 20th August, 1981 at Yamuna Nagar. On 20th August, 1981, *ex parte* evidence of the workman was not present and the representative of the workman wanted a date which was granted and the case was fixed for 22nd September, 1981 at Karnal for *ex parte* evidence of the workman.

On 22nd September, 1981 *ex parte* evidence of the workman was recorded. The workman examined himself as WW-1, who stated that he was appointed as Sales man on 2nd November, 1977 @ Rs. 300 p. m. on 15th April, 1980 the respondent management served him a notice and after that on 16th July, 1980 the management terminated his service. The copy of the notice is Ex. W-1 and copy of termination letter is W-2. The workman further stated that he replied the Exhibit-W-1 through Exhibit W-3 on which the management had not given him any chargesheet nor any domestic enquiry was held by the respondent. The workman further stated that Directors of the society presented themselves before the Conciliation Officer and stated that the workman was not at fault, copy of which is Exhibit W-5. He further stated that he is unemployed till the date of his termination and prayed that he be reinstated with full back wages and continuity of service.

In view of the statement made by the workman on oath, I see no reason why the un-rebutted statement of the workman should not be believed especially when the management chose not to appear and defend this reference despite service. So on believing the statement of the workman, I hold that the termination of services of the workman was unjustified and not in order and the workman is entitled for reinstatement with continuity of service and full back wages. No order as to costs.

This be read in answer to this reference,

HARI SINGH KAUSHIK,

Dated, the 12th November, 1981.

Presiding Officer,
Labour Court, Haryana,
Fridabad.

Endorsement No. 3233, dated the 19th November, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)81-6Lab/14106.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and management of Haryana State Electricity Board, Chandigarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 103 of 1980

between

SHRI SURINDER KUMAR, WORKMAN AND THE MANAGEMENT OF HARYANA STATE
ELECTRICITY BOARD, CHANDIGARH

Present :—

Shri Madhusudan along with the workman.

Shri S. S. Sarahi, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/ Amb/104-79/25393, dated 16th May, 1980 under section 10(i)(c) of the I.D. Act for adjudication of the dispute existing between Shri Surinder Kumar workman and the management of Haryana State Electricity Board, Chandigarh. The term of the reference was:—

Whether the termination of services of Shri Surinder Kumar, was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The management appeared in response to the notice on 17th June, 1980 but no one appeared on behalf of the workman. The workman was served with another notice. Both the parties appeared on 27th August, 1980, filed their respective pleadings, issues were framed on the basis of the same on 9th June, 1981. The parties settled their dispute and their representatives made statement to that effect on 19th October, 1981.

According to the term of settlement as given in the statements of the parties the management agreed to pay two months wages as retrenchment compensation and one month wages in lieu of notice pay while the workman reling uidshed his right of reinstatement. I accordingly give my award in the above terms and return the reference.

Dated the 14th November, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 4107, dated the 19th November, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act,

BANWARL LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1)81-6Lab/14215.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. J. V. Electronics Ltd., Sector 24, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 310 of 1981

between

SHRI VIDYA DHAR RAUT, WORKMAN AND THE MANAGEMENT OF M/S. J. V.
ELECTRONICS LIMITED, SECTOR 24, FARIDABAD.

AWARD

By order No. ID/FD/124/81/47682, dated 17th September, 1981, the Governor of Haryana referred the following dispute between the management of M/s. J. V. Electronics Limited, Sector 24, Faridabad and its workman Shri Vidya Dhar Raut, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Vidya Dhar Raut was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management Stated the workman had settled the dispute with the management and had received Rs 2000/-in full and final settlement foregoing his right of reinstatement or reemployment. Settlement was Ex.M-1.-In view of the statement given by the representative of the management. I give my award that the dispute had been settled mutually and the workman had received Rs. 2,000 from the management in full and final settlement.

M. C. BHARDWAJ,

Dated the 25th November, 1981.

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 1072, dated the 27th November, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.